

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2353

BEREKET HAILU ZERAY,

Petitioner,

versus

JOHN ASHCROFT,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A76-930-347)

Submitted: June 16, 2004

Decided: July 7, 2004

Before WIDENER, NIEMEYER, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Genet Getachew, Brooklyn, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Jason S. Patil, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Bereket Hailu Zeray, a native of Ethiopia and citizen of Eritrea, petitions for review of an order of the Board of Immigration Appeals affirming without opinion the Immigration Judge's (IJ) denial of asylum, withholding of removal, and protection under the Convention Against Torture. For the reasons discussed below, we deny the petition for review.

Zeray asserts that he established his eligibility for asylum by showing a well-founded fear of persecution in Eritrea. To obtain reversal of a determination denying eligibility for relief, an alien "must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the evidence of record and conclude that Zeray fails to show that the evidence compels a contrary result. Accordingly, we cannot grant the relief that Zeray seeks.

Additionally, we uphold the IJ's denial of Zeray's application for withholding of removal. The standard for withholding of removal is more stringent than that for granting asylum. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999). To qualify for withholding of removal, an applicant must demonstrate "a clear probability of persecution." INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). Because Zeray fails to show he is eligible

for asylum, he cannot meet the higher standard for withholding of removal.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED